

REMARKS

The present application was filed on September 13, 2001 with claims 1-15. Claims 1 and 13-15 are the independent claims.

In the outstanding Office Action dated February 7, 2007, the Examiner rejected claims 1, 13 and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,395 to Wisor et al. (hereinafter “Wisor”); claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Wisor; and claims 4-12 and 15 under 35 U.S.C. §103(a) as being unpatentable over Wisor in view of U.S. Patent No. 6,353,924 to Ayers et al (hereinafter “Ayers”).

In this response, Applicant has amended independent claims 1 and 13-15 to further indicate the patentable subject matter and thus traverse these rejections. Specifically, the independent claims have been amended to clarify how the unique identifier is unique; namely, that the unique identifier itself uniquely identifies a set of instructions executed as a result of an evaluation of true. Support for this amendment may be found in the specification at, for example, paragraphs 48-49, 55 and 57. Applicant respectfully requests reconsideration of the present application in view of the above amendments and the following remarks.

Applicant respectfully submits that Wisor not only fails to teach this claim limitation but in fact actively teaches away from it by disclosing a technique wherein an identifier, consisting solely of a zero or one bit, is not itself sufficient to uniquely identify a set of executed instructions. Instead, Wisor teaches a technique wherein executed instructions are only capable of being identified by examining a location of an identifier, rather than being uniquely identified by the unique identifier itself (i.e., independent of its location). See, e.g., Wisor at col. 3 lines 11-21; col. 6, lines 22-46; and col. 6, line 61 to col. 7, line 48.

For example, in the exemplary embodiment of the present invention shown in FIG. 5, and discussed in the specification at paragraph 57, signature area 300 may comprise signature points 310, which in this exemplary embodiment may include unique identifiers “1; 4; 2; 3; 1; 2.” As is clearly shown with reference to the test program on the left side of FIG. 5, each of these unique identifiers itself uniquely identifies a set of instructions. For example, the unique identifier “2” itself uniquely identifies the set of instructions beginning with “CASE TEST = 2,” regardless of the location of the unique identifier “2” within in the signature area.

On the other hand, FIG. 3 of Wisor, as described in its specification at col. 7, lines 41-49, an exemplary bitmap may consist of the series of bits “0 0 1 1 1 1 0 0 1 0 0 . . . 0 0 0 0 0 0.”

Although each of these bits corresponds to a conditional branch, a given bit (0 or 1) itself does not uniquely identify a set of instructions; it merely indicates that a branch was taken or not taken without indicating which branch that may be: "1's represent taken branches and 0's represent not-taken branches." (col. 7, lines 47-48) Rather, in order to determine which branch was taken or not taken (i.e., uniquely identify a set of instructions), one must also know the position of a given bit within the bitmap: "It can therefore be determined from the bit map that the first two branches were not taken, the next five were taken, and the next two were not taken." (col. 7, lines 48-50)

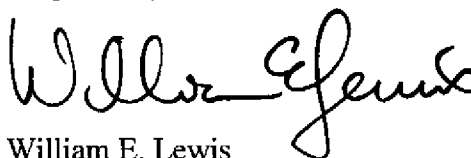
Accordingly, Applicant respectfully submits that Wisor fails to meet the limitations of claim 1 as amended.

Independent claims 13-15 as amended include limitations similar to those of claim 1, and are therefore believed allowable for reasons similar to those described above with reference to claim 1.

Dependent claims 2-12 are believed allowable for at least the reasons identified above with regard to claim 1.

In view of the foregoing, claims 1-15 are believed to be patentably distinguishable over Wisor and therefore in condition for allowance. Reconsideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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Date: May 7, 2007